

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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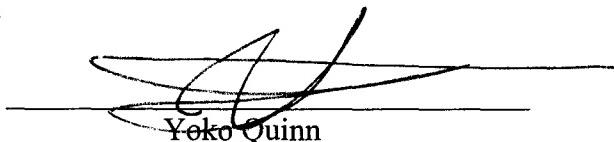
<b>Applicant</b>	:	Francesca Kuglen	<b>Atty Docket:</b>	K551-003.B
<b>Serial No.</b>	:	10/764,279	<b>Examiner:</b>	Robyn Kieu Doan
<b>Filed</b>	:	January 22, 2004	<b>Art Unit:</b>	3732
<b>For</b>	:	STRETCH COMB HAIR RETAINER	<b>Conf. No.:</b>	9690

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**CERTIFICATE OF TRANSLATOR  
REGARDING DECLARATION OF MASAAKI SUZUKI**

I, **Yoko Quinn**, residing in Great Falls, Virginia USA, hereby certify that I work as a translator and am fluent in both English and Japanese, and that the attached English language copy of the Rule 132 Declaration of Masaaki Suzuki (37 CFR 1.132) is a true and accurate translation of the Japanese language Rule 132 Declaration of Masaaki Suzuki (37 CFR 1.132) signed by Mr. Suzuki before a Notary in Japan on November 27, 2009, in connection with the above-entitled matter.

Signed this 2nd day of December, 2009

  
Yoko Quinn

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**RULE 132 DECLARATION OF MASAAKI SUZUKI  
(37 CFR 1.132)**

This declaration is offered in support of the above-identified patent application by Francesca Kuglen.

I, **Masaaki Suzuki**, declare as follows:

1. I am a citizen and resident of Japan and the inventor of the HAIR ORNAMENT disclosed in Japanese Application Patent Application No. JP08119837 filed May 15, 1996, and published November 25, 1997 under Japanese Patent Publication No. JP409299131A.

2. I have many years experience in the field of hair accessories and hair accessory design. Since 1969 I have been owner and president of Chi'isai Kaisha, a Japanese company that produces and sells hair accessory products. Chi'isai Kaisha has customers in Asia, Europe, the USA and Canada. I design about 200 hair accessories per year, and about 60 to 70 of which are actually produced and sold by my company. These hair accessories are mainly for the brides, for Kimono style, and for children and young people. I design many ornamental accessories for the hair that use wire loop combs, such as shown in my Japanese Patent Application No. JP08119837. Such accessories are for the Kimono style applications, which is part of the Japanese culture.

3. I have reviewed the hair accessory product created by Ms. Kuglen that uses wire loop combs connected by crisscrossed elastic strands. Ms. Kuglen calls her product "Hairzing." Ms. Kuglen's Hairzing product is a type of hair accessory that is sometimes called a "double comb hair accessory."

4. In connection with my review, I reviewed samples of Ms. Kuglen's Hairzing product. The samples had wire loop combs and beaded crisscrossed strands. In

one version, the crisscrossed strands were connected by connector beads, and in another version the crisscrossed strands simply crossed and were not connected.

5. I have also reviewed the following documents, the contents of which I understood:

- i) Ms. Kuglen's U.S. Patent Application Serial No. 10/764,279, the contents of which were read to me in Japanese by a translator;
- ii) Ms. Kuglen's U.S. Patent Number 6,123,086, the contents of which were also read to me in Japanese by a translator;
- iii) The drawings for U.S. Patent No. D483,522 issued to July Leslie.

I understand that Ms. Kuglen's Hairzing product is the subject of her U.S. Patent Application Serial No. 10/764,279.

6. I believe one of the most innovative features of the double comb hair accessory product disclosed in Ms Kuglen's U.S. Patent Application Serial No. 10/764,279 is the use of wire loop combs instead of other types of combs such as plastic. Before seeing Ms. Kuglen's Hairzing accessory product, I would have never considered using wire loop combs in a double comb hair accessory where the combs are held together by elastic strands or bands.

7. A wire loop comb is highly flexible and provides the comfortable fit to the user. Used as a single comb, it is very good for adding a decorative element to a hair style. But, a single wire loop comb does not function to retain hair, hold the hair together, or truss hair by itself. It is relatively weak compared to other combs, such as plastic and wood combs. A wire loop comb will fall out of the hair if a woman simply puts it in her hair, especially if the hair is short. For a wire comb that is slid into the hair on the scalp, it would be necessary to use bobby pins to hold the comb in place.

8. I strongly believe that it is not obvious to use wire loop combs such as disclosed in my Japanese Application Patent Application No. JP08119837 in a double comb hair accessory such as disclosed in Ms. Kuglen's patent application. Until Ms. Kuglen's invention, wire loop combs were, to my knowledge, only used as single combs to decorate the hair, and never in an application where they were required to strongly retain and hold the hair. I would never have thought that wire loop combs would work when used in the way Ms. Kuglen uses them in her Hairzing product.

9. Ms. Kuglen's discovery was that wire loop combs could perform a hair retaining function when they are used as double combs that are being pulled together by stretch elements. It's the combination that makes it work. It's like a brake must be used together with an accelerator to operate a vehicle. To be useful as a holding element, the wire loop combs of Ms. Kuglen's double comb hair accessory must be used together with the elastic strands. As a result of her discovery and spirit of inquiry, Ms. Kuglen created

a better double comb hair accessory product that stays in hair with total comfort and that works in all types of hair.

10. Many hair accessory designers can create the ornamental parts for an accessory, but few designers have the skill and experience to design new and original holding devices to properly retain hair and to satisfy the different ways and conditions in which combs are used. In my experience, such a designer is very difficult to find.

11. In my view the ordinary designer of hair accessories who knew about wire loop combs such as disclosed in my Japanese patent application would never have thought to use wire loop combs in a double comb hair accessory such as disclosed in Ms. Kuglen's patent application. Simply substituting one type of comb for another type of comb is not an obvious thing to do when creating a hair accessory. Different types of combs have different characteristics, functions and features, and are used for different purposes. The double comb accessory is a device made to function by using the stretch bands to pull the combs together. To work well the combs need to hold steady in hair when the retainer device is installed on the head. Substituting my wire loop comb, which is normally used for decoration only and that falls out of the hair easily when slid into hair along scalp, is not a substitution that a designer is likely to make. A wire loop comb is an unusual choice for this application.

12. I now see that wire loop combs have particular advantages when used in a double comb hair retaining device. As above-mentioned, when elastic strands pull on the wire combs, the wire combs hold steady in the hair keeping the hair retaining device in place. This I would not have expected. At same time, they lay flat in the hair along the scalp and hair can pass through the comb teeth smoothly to provide comfort regardless of hair length and volume. This allows the hair accessory to function well in all hair lengths and thicknesses. It is unusual for the same comb to be able to function and hold equally well in all volumes and lengths of hair. The unusual combination of the wire combs and elastic elements pulling on the wire combs gives Ms. Kuglen's invention this unusual capability. I am not aware of a heavier comb, such as a wood or plastic comb, that would work as well in all volumes and lengths of hair when used in a double comb hair accessory. In some hair, a heavier comb would put too much pressure on the hair, feel too tight, and could damage the hair.

The undersigned declares that all statements of his own knowledge made herein, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements made jeopardize the validity of the above-identified application, or any patent issuing thereon.

Date: 11/27/09

/s/ Masaaki Susuki  
Masaaki Suzuki